

THE OTHER SERVICE OPTION PARENTS AND STUDENTS NEED TO UNDERSTAND

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It is important for parents to have a general understanding of Section 504 and its relationship with special education. Section 504, which is a part of the Rehabilitation Act of 1973, is a civil rights act that protects the rights of people with disabilities. The law states that no person with a disability can be excluded from or denied benefits of any program receiving federal financial assistance; this includes all public schools.

For many years school districts perceived their 504 obligation to be the assurance of *physical* access to public buildings: ramps were installed, curbs were cut, elevators were added to multilevel buildings, and restroom stalls were enlarged. With passage of the Rehabilitation Act of 1973, Congress required that school districts make their programs and activities *accessible* as well as *usable* to all individuals with disabilities. This mandate extends well beyond physical access. For an educational program to be useable (i.e., appropriate), students may require special accommodations such as modified assignments or, testing situation.

HOW DOES SECTION 504 DEFINE "APPROPRIATE EDUCATION?"

A free, appropriate education, provided by the public school system, includes general or special education and related aids and services that (1) are designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students, and (2) are based upon adherence to evaluation, placement, and procedural safeguard requirements.

WHAT ARE 504 ELIGIBILITY CRITERIA?

Section 504 protects persons from discrimination based upon their disability status. The law defines a person as disabled if he or she has a mental or physical impairment which substantially limits one or more major life activities. These include caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. When a condition does not substantially limit a major life activity, the individual does not qualify for special accommodations under Section 504.

In order to determine eligibility for services, the student must be evaluated by a team of individuals who are familiar with the student and the results must be shared at a team meeting in which parents or caregivers are involved. If it is determined that a student has a disability, under Section 504, the school must develop and implement the delivery of all needed services and/or accommodations.

HOW ARE STUDENTS WITH DISABILITIES IDENTIFIED?

Section 504 regulations cover a larger group of students with disabilities than does special education. School staff should consider the potential existence of disabilities and possible Section 504 protection for students diagnosed as having, for example, Tourette's syndrome, attention deficit hyperactivity disorder (ADHD), heart malfunctions, communicable diseases, urinary conditions, blood disorders, chronic fatigue syndrome, school phobia, respiratory conditions, blood/sugar disorders, post traumatic disorders, epilepsy, cancer, repetitive motion syndrome, birth defects, and tuberculosis.

WHAT SERVICES MUST BE PROVIDED?

The determination of needed services and/or accommodations must be made by a group of persons knowledgeable about the student. This usually involves the school principal, classroom teacher(s), and other educators working with the student. *The parent and student should be included in the process whenever possible.* The group must review the nature of the disability and how it affects the student's education. The decision about Section 504 eligibility and services must be documented in the student's file and reviewed periodically. An appropriate education for students eligible under Section 504 may mean that they receive instruction in general classes with accommodations and programs designed to meet their unique needs. Modifications in academic requirements and expectations may be necessary to accommodate the needs of an individual student with disabilities and thereby enable him or her to participate in the general education program.

It is important to keep in mind that some students who have physical or mental conditions that limit their ability to access and participate in the education program are entitled to rights under Section 504, even though they may not fall into a disability category covered by the special education law IDEA.

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WHAT DOES "MAKING ACCOMMODATIONS" MEAN?

Accommodations are modifications made by the classroom teacher(s) and other school staff to help students benefit from their educational program. In some cases, a plan should be developed outlining services and accommodations.

Examples of common accommodations schools may make:

- Modify the student's assignments and tests. For example, allow the student who has a disability that negatively affects his ability to construct written responses to test questions to provide verbal answers. This type of accommodation does not change the difficulty of the test, just the fairness of the testing process.
- Provide an extra set of textbooks for home.
- Adjust student seating.
- Provide study guides and organizing tools.
- Teach organizational skills.
- Provide a peer tutor/helper.

- Offer counseling.
- Modify recess, physical education, and/or transportation.
- Accommodations must be individualized.
- The individual needs of the student with a disability should be met to the same extent as the needs of students without disabilities.
- Accommodations should place the student with a disability at an equal starting level with the non-disabled student.

The following is an example of a student who is eligible for Section 504 services and possible accommodations provided by the school: Jane has asthma. The doctor has advised her to not participate in physical activity outdoors. Jane's asthma is a disability that limits her major life function of breathing. The school is required to make reasonable accommodations in Jane's education program.

Possible school accommodations:

- Modify Jane's activity level at recess and adapt physical education requirements.
- Provide an air purifier.
- Help Jane to avoid allergens.
- Assist with inhalant therapy.
- Administer medication.
- Adjust school policy to allow personal administration of medications.
- Allow Jane to have access to water, gum, etc.
- Make curriculum adjustments (e.g. offer substitutions in science projects to help Jane avoid contact with allergens).
- Provide bus transportation in the winter.
- Develop health care and emergency plan.

WHAT ARE THE RESPONSIBILITIES OF PARENTS OR GUARDIANS?

1. Communicate concerns with the school early on before problems develop.
2. Be involved in Section 504 meetings concerning the student.
3. Assist in developing appropriate accommodations and/or services.
4. Encourage your student to cooperate with school staff and to do his or her best.
5. When appropriate, collaborate with other agencies such as your state office of rehabilitation.
6. Use mediation as an option if differences cannot be resolved with the school.

WHAT ARE THE STUDENT'S RESPONSIBILITIES?

1. When appropriate, be involved at Section 504 meetings.
2. Before graduating from high school, learn about rights to access post-secondary programs.
3. Cooperate and put forth maximum effort at school.

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Permission to reprint and disseminate was granted to the Parent Information Network, Arizona Department of Education, Exceptional Student Services, November 2002. SHS SA08